TO/SB/21 (09-04)

		PTO/SB/21 (09-04)
OFFE	Application Number	10/542,312
O F TRANSMITTAL	Filing Date	July 15, 2005
%FORM	First Named Inventor	Tidmarsh, George
JUL 0 3 2006 W	Art Unit	1654
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of Pages in This Submission 768	Attorney Docket Number	021305-003610US

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Firm Name		Account 20-14	e on CD	After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below): Return Postcard Form PTO/SB/08A & B (8 pgs) References: 14, 19, 22-26, 40, 46, 48, 55, 61-62 and 69 (757 pgs) prized to charge any additional fees to Deposit			
Townsend and Tov	nsend an	d Crew LLP		:			
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Printed name Randolph Ted App	e						
Date 6/29/0C			Reg. No.	36,429			
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TOWNSEND and TOWNSEND and CREW LLP

By:
Anthony J. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

George TIDMARSH, et al.

Application No.: 10/542,312

Filed: July 15, 2005

For: TREATMENT OF BENIGN PROSTATIC HYPERPLASIA USING

ENERGOLYTIC AGENTS

Confirmation No.: 8919

Examiner: ABDEL A MOHAMED

Art Unit: 1654

INFORMATION DISCLOSURE

STATEMENT UNDER 37 CFR §1.97 and

§1.98

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references 14, 19, 22-26, 40, 46, 48, 55, 61-62 and 69 are enclosed. In accordance with 37 CFR §1.98(d), copies of the references 13, 15-18, 20-21, 27-39, 41-45, 47, 49-54, 56-60, 63-68 and 70-95 can be found in Application No. 10/759,337, filed January 16, 2004 (Attorney Docket No. 021305-003500US). It is respectfully requested that the cited references be expressly considered during the prosecution of this

George TIDMARSH, et al. Application No.: 10/542,312

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application, and the references be made of record therein and appear among the references cited on any patent to issue therefrom.

Reference 40 describes comparative 5-HT4 receptor antagonist activity of LY353433 and its active hydroxylated metabolites. A Pharmaprojects database entry for LY353433 includes the notation "Phase II trials were conducted in urinary incontinence and BPH (Company brochure, Jul 1998)."

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that <u>no fee is required</u> for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Date: 6/29/06

Randolph Ted Apple Reg. No. 36,429

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

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RTA:ajm 60791163 v1

Complete if Known Substitute for form 1449A&B/PTO Application Number 10/542,312 Filing Date INFORMATION DISCLOSURE July 15, 2005 STATEMENT BY APPLICANT First Named Inventor Tidmarsh, George Art Unit 1654 Examiner Name (Use as many sheets as necessary) ABDEL A MOHAMED 8 Attorney Docket Number 021305-003610US 1 Sheet

			U.S. PATENT DO	DCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	ļ	Number Kind Code ^{2 (F known)}			- Igares Appeal
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Initials*	No. ¹	Country Code ³	Number ⁴	Kind Code ⁵ (<i>if known</i>)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T ⁶
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	14	wo	92/18132		10-29-1992	MERCK & CO., INC.		
	15	wo	96/40142		12-19-1996	PFIZER, INC.		
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INFO	RMATION DIS	CLOS	URE	Filing Date	July 15, 2005		
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Sheet	2	of	8	Attorney Docket Number	021305-003610US		

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Sheet	3	of	8	Attorney Docket Number	021305-003610US	

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INFO	RMATION DIS	CLOS	SURE	Filing Date	July 15, 2005		
STAT	EMENT BY A	PPLIC	CANT	First Named Inventor	Tidmarsh, George		
				Art Unit	1654		
(Use as many sheets as necessary)				Examiner Name	ABDEL A MOHAMED		
Sheet	4	of	8	Attorney Docket Number	021305-003610US		

	NON PATENT LITERATURE DOCUMENTS						
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²				
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INFO	RMATION D	DISCLOS	URE	Filing Date	July 15, 2005	
STA	STATEMENT BY APPLICANT			First Named Inventor	Tidmarsh, George	
				Art Unit	1654	
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Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²				
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STA	STATEMENT BY APPLICANT			First Named Inventor	Tidmarsh, George	
				Art Unit	1654	
	(Use as many sheets as n	ecessary)		Examiner Name	ABDEL A MOHAMED	
Sheet	8	of	8	Attorney Docket Number	021305-003610US	

NON PATENT LITERATURE DOCUMENTS								
Examiner Initials * Cite No. Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (boom magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.								
	94	VIEIRA, et al., Permeabilization of the mitochondrial inner membrane during apoptosis: Impact of the adenine nucleotide translocator, Cell Death and Differentiation (2000) 7:1146-1154.						
		ZANIBONI, et al., Mitomycin-C and lonidamine as second-line therapy for colorectal cancer: a phase II study, Tumori (1995) 81(6):435-437.						

Examiner Signature		Date Considered	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.